

Application No. 10/604,538
Reply dated February 1, 2010
Reply to Office Action of April 23, 2009

REMARKS

Summary of the Office Action

Claims 29-36, 38-48, and 50-58 were pending in this application.

The Examiner rejected claims 29-33, 38, 41-45, 50, 53, 55, 56, and 58 under 35 U.S.C. § 103(a) as allegedly being obvious from Ellis U.S. Patent Application Publication No. 2002/0174430 ("Ellis") in view of Kaminski U.S. Patent Application Publication No. 2002/0199185 ("Kaminski"). Claims 34-36, 39, 40, 46-48, 51, and 52 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious from Ellis in view of Kaminski and further in view of Lajoie U.S. Patent No. 5,850,218 ("Lajoie"). Claims 54 and 57 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious from Ellis in view of Kaminski and further in view of Rowe U.S. Patent No. 5,812,123 ("Rowe").

Summary of Applicants' Reply

This reply is being filed with a Request for Continued Examination of this application under 37 C.F.R. § 1.114. Accordingly, the Notice of Appeal dated August 31, 2009 is withdrawn and prosecution of this application should continue.

Applicants have added new claim 59 in order to more particularly define the claimed invention. No new matter has been added, and the new claim is fully supported by the originally filed application (see, e.g., applicants' specification at FIGS. 24 and 25 and ¶¶ 132-134).

The Examiner's rejections are respectfully traversed.

Applicants' Reply

Applicants' claimed invention, as defined by independent claims 29 and 41, is directed to a method and apparatus for resolving conflicts for series recordings. A first interface screen comprises a plurality of listings of shows that are scheduled for recording. The first interface screen displays a first indication that the scheduled recording of a first show has been canceled. A second interface screen includes a list of a plurality of series and indicates the recording priorities assigned to the plurality of series, wherein a position of each series in the list indicates a relative recording priority. A user request is received to increase the recording priority for a first series such that the scheduled recording of the first show is no longer canceled. In response to the user request, an option to change the position of the first series in the list is displayed.

For example, FIG. 23 shows a recording schedule display screen that may have a no-record icon. FIG. 24 of applicants' application shows the series manager in browse mode. The user selects a displayed series to change the priority assigned to the series. In response to the selection of a series in browse mode, prioritize mode is displayed as shown in FIG. 25 which includes a display of options (e.g., "Increase Priority" and "Decrease Priority"). See also applicants' specification at ¶¶ 132 and 133.

Ellis is directed to a personal video recorder and interactive television program guide (see Ellis, Abstract). Ellis includes a program listings display screen that may display an icon for programs scheduled to be recorded that may not be recorded due to a conflict (see Ellis, FIG. 7, ¶¶ 205 and 206).

Applicants' claims 29 and 41 patentably improve upon Ellis by displaying, in response to a user selection of a series, an option to change the position of the selected series in a list to modify the recording priority assigned to the selected series. The Examiner appears to concede this point on page 4 of the Office Action, where the Examiner states that "even though the move up and move down icons are displayed the entire time, the option to change the position of a particular series will not be available until after that particular series is selected" (emphasis added).

"All words in a claim must be considered in judging the patentability of that claim against the prior art." MPEP § 2143.03; quoting In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). The Examiner, however, has not done that here. Applicants' claims require displaying the option to change the position of a selected series in response to a user selection of the series. Instead of considering each and every word in applicants' claims, the Examiner has disregarded the limitation that the option to change the position of the selected series must be displayed in response to a user selection of the series. On this basis alone, applicants respectfully submit that claims 29 and 41 are patentable. Moreover, in Ellis' series recordings delete priority display screen of FIG. 52, options 3508 and 3510 to change the position of a series within the list are displayed the entire time. The options in applicants' claims, on the other hand, are displayed in response to a user selection.

Kaminski was cited as allegedly showing other features of applicants' claims and fails to make up for the deficiencies of Ellis relative to the rejection. Therefore, Ellis and Kaminski, taken alone or in combination, fail to show or render obvious all the features of applicants' claims.

Accordingly, applicants respectfully submit that claims 29 and 41, and claims 30-36, 38-40, 42-48, and 50-59, which depend, directly or indirectly from claim 29 or 41, are patentable.

New Claim

Claim 59 has been added in order to more particularly define the claimed invention. Claim 59 depends from patentable claim 29 and therefore is also patentable. Moreover, claim 59 is also patentable for the additional independent reasons set forth below.

Dependent claim 59 further specifies that the first series is displayed in a floating bar in response to the second user selection of the first series, wherein icons within the floating bar that indicate change in relative priority move with the floating bar as a position of the first series within the list is changed.

Ellis and Kaminski, taken alone or in combination, do not show or render obvious an icon that indicates change in relative priority and moves with a floating bar as the position of the series within the list is changed. In particular, Ellis' move up/move down options are fixed at the bottom of the screen. Accordingly, Ellis and Kaminski, taken alone or in combination, do not show or render obvious each and every feature of applicants' claim 59.

For at least this additional independent reason, applicants respectfully submit that dependent claim 59 is patentable.

Conclusion

For the reasons stated above, applicants respectfully submit that this application, as amended, is in condition for

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allowance. Reconsideration and prompt allowance of this application are accordingly respectfully requested.

Respectfully submitted,

/Steven K. Mossey/

Steven K. Mossey
Registration No. 64,356
Agent for Applicants
ROPES & GRAY LLP
Customer No. 75563
1211 Avenue of the Americas
New York, New York 10036
Tel.: (212) 596-9000